

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**IVAN MILLES,**

**Petitioner,**

**v.**

**No. CV 16-333 JCH/LAM**

**JAMES MULHERON,**

**Respondent.**

**ORDER TO CURE DEFICIENCY**

Petitioner submitted an application for a writ of habeas corpus [*Doc. 1*] and motion for leave to proceed pursuant to 28 U.S.C. § 1915 [*Doc. 2*]. The Court determines that the motion for leave to proceed pursuant to 28 U.S.C. § 1915 [*Doc. 2*] is deficient as described in this order. Petitioner is directed to cure the following if he/she wishes to pursue his/her claims:

**I. Filing Fee.**

\_\_\_\_\_ No filing fee (\$5.00 habeas corpus) has been received.

**II. Prisoner's Application to Proceed in District Court Without Prepaying Fees or Costs:**

- (1) \_\_\_\_\_ is not filed
- (2) \_\_\_\_\_ is missing affidavit
- (3) \_\_\_\_\_ is missing required financial information
- (4)   **X**   is missing certified copy of prisoner's trust fund statement for the 6-month period immediately preceding this filing
- (5) \_\_\_\_\_ is missing an original signature by the prisoner
- (6) \_\_\_\_\_ names in caption do not match names in caption of complaint, petition or habeas application
- (7) \_\_\_\_\_ An original and a copy have not been received by the Court.  
Only an original has been received.
- (8) \_\_\_\_\_ other \_\_\_\_\_

**III. Petition or Application:**

- (1) \_\_\_\_\_ is missing
- (2) \_\_\_\_\_ is not on proper form
- (3) \_\_\_\_\_ is missing an original signature by the prisoner

- (4)       \_\_\_ is missing page nos. \_\_\_
- (5)       \_\_\_ uses et al. instead of listing all defendants/respondents
- (6)       \_\_\_ An original and a copy have not been received by the Court. Only an original has been received.
- (7)       \_\_\_ Sufficient copies to serve each defendant/respondent have not been received by the Court.
- (8)       \_\_\_ names in caption do not match names in text
- (9)       \_\_\_ other:

Papers filed in response to this order must include the civil action number (CV 16-0033 JCH/LAM) of this case. Failure to cure the designated deficiencies **within thirty (30) days from entry of this order** may result in **dismissal** of this action without further notice.

**IT IS THEREFORE ORDERED** that Petitioner cure the deficiencies designated above **within thirty (30) days from entry of this order;**

**IT IS FURTHER ORDERED** that, if Plaintiff fails to cure the designated deficiencies **within thirty (30) days from the date of this order, this action may be dismissed without prejudice without further notice.**

**IT IS SO ORDERED.**

  
\_\_\_\_\_  
**LOURDES A. MARTÍNEZ**  
**UNITED STATES MAGISTRATE JUDGE**